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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,912	11/30/2001	Anthony J. Dezonno	6065-83802	4715
24628	7590	11/17/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			WONG, BLANCHE	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,912	DEZONNO ET. AL.	
	Examiner	Art Unit	
	Blanche Wong	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Feb'02, Jun'03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-34** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to cl. 23, ln. 6-7, it is unclear whether the agent telephone system is the same as the one in ln. 2, and what is being provided to the agent telephone system.

With regard to cl. 23, ln. 8-9, it is unclear what is "proving at least one transducer for transmission and reception of audio information, respectively".

With regard to cl. 23, ln. 14-17, it is unclear what is being provided to the plurality of network interfaces.

3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the multiplexer" in ln. 13.

Claim 1 recites the limitation "the plurality of network interfaces" in ln. 14.

Claim 1 recites the limitation "the caller" in ln. 16.

Claim 1 recites the limitation "the selected network" in ln. 16-17.

Similar limitations and thus issues with respect to insufficient antecedent basis as cl. 1, are found in cl. 13 and 34.

Claim 6 recites the limitation "the agent telephone" in ln. 3.

Claims 11,12,21,22,32 and 33 recite the limitation "the agent telephone", all in ln.

- 3.

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Claim 23 recites the limitation "agent of an agent telephone system" in ln. 2.

Claim 23 recites the limitation "the multiplexer" in ln. 12 and "the input multiplexer" in ln. 13.

Claim 23 recites the limitation "the selected network" in ln. 16-17.

Claims 24-31 recite the limitation "The agent telephone system according to claim 23", all in ln. 1.

Claims 32 and 33 recite the limitation "The system according to claim 23", all in ln. 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 10 and 34** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rydbeck et al. (U.S. Pat No. 6,108,562).

With regard to cl. 1 and 34, Rydbeck discloses an agent telephone system 100 (mobile telephone) for use in a transaction processing system (converter interface, col. 1, ln. 63-66) comprising: (see Fig. 1)

a microprocessor 160 (controller);

memory 220 (memory, col. 3, ln. 31) operatively coupled to the microprocessor;

at least one agent transducer 130, 140 (earphone, microphone, col. 2, ln. 41) for transmission and reception of audio information, respectively;

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a conversion device 230 (interface, col. 2, ln. 43) configured to operatively couple at least one transducer to the microprocessor;

an input multiplexer 150 (switch, col. 2, ln. 42) operatively coupled to the microprocessor, the microprocessor configured to control selection (the controller 160 determines which communication networks 200 are available, col. 3, ln. 39-41, ... the controller 160 selects one of the communication networks 200 ... via ... the switch 120, col. 3, ln. 43-47) of one of a plurality of input lines of the input multiplexer; and

a plurality of network interfaces 120 (communication modules, col. 2, ln. 44-48) configured to operatively couple a selected one of the plurality of networks 200 (plurality of communication networks) to the corresponding (each [of the communication modules] contains functionality for effectuating communication between the mobile telephone 100 and a respective one of the plurality of communication networks 200, col. 2, ln. 44-48) input line of the multiplexer so as to permit communication between a caller (mobile phone) and the agent of the agent telephone system over a selected network.

With regard to cl. 10, Rydbeck discloses a display operatively coupled to the microprocessor (a personal computer, col. 3, ln. 55; see also video display 108, col. 3, ln. 60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck in view of Rusch (U.S. Pat No. 6,801,777).

With regard to cl. 4, Rydbeck discloses an agent telephone system. However, Rydbeck fails to explicitly show at least one of the communication networks is a packet-switched based network.

In an analogous art, Rusch discloses a wireless communication device that may include packet radio interfacing, col. 2, ln. 45, and wireless LAN compliant to IEEE 802, col. 2, ln. 52-55.

At the time to the invention, it would have been obvious to a person of ordinary skill in the art to include packet-switched based network. The suggestion/motivation for doing so would have been to enable usage of other networks and thus portability. Rusch, col. 1, ln. 30-31 and 45-47. Therefore, it would have been obvious to combine Rusch with Rydbeck for the benefit of including packet-switched based network among a plurality of communication networks, to obtain the invention as specified in cl. 4.

8. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck in view of Van Der Salm (U.S. Pat No. 6,343,220).

With regard to cl. 5, Rydbeck discloses an agent telephone system. However, Rydbeck fails to explicitly show at least one of the communication networks is a circuit-switched based network.

In an analogous art, Van Der Salm discloses wireline network PSTN, col. 4, ln. 42-44.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include circuit-switched based network. The suggestion/motivation for doing so would have been to provide for an integral provision of telecommunication modes and services provided to a subscriber via a plurality of wired and wireless networks. Van Der Salm, col. 2, ln. 53-55. Therefore, it would have been obvious to combine Van Der Salm with Rusch for the benefit of a plurality of communication networks including circuit-switched based network, to obtain the invention as specified in cl. 5.

9. **Claims 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck.

With regard to cl. 11, Rydbeck discloses an agent telephone system. However, Rydbeck fails to explicitly show a computer having a sound card configured to digitize voice communication.

Rydbeck further discloses a personal computer (col. 3, ln. 55). and earphone 130 and microphone 140 (col. 2, ln. 41).

At the time of the invention, it would have been obvious to a person of ordinary skills in the art that digitization is within the interface 230. The suggestion/motivation for doing so would have been to provide for audio and voice transmission via the plurality of communication networks. Therefore, it would have been obvious to combine a sound card within the interfacing for the benefit of audio and voice transmission via the plurality of communication networks, to obtain the invention as specified in cl. 11.

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With regard to cl. 12, Rybeck discloses an agent telephone system. However, Rydbeck fails to explicitly show a computer having a USB circuit configured to facilitate transmission and reception of serial data.

Rydbeck further discloses a personal computer (col. 3, ln. 55), and two inputs into interface 230 and one output from the interface. See Fig. 1.

At the time of the invention, it would have been obvious to a person of ordinary skills in the art that signals are serially transmitted from two inputs to one output. The suggestion/motivation for doing so would have been to provide for serial interfacing and thus selection of a corresponding transmission network. Rydbeck, col. 3, ln. 61-62. Therefore, it would have been obvious to combine a USB circuit to facilitate transmission and reception of serial data for the benefit of serial interfacing, to obtain the invention as specified in cl. 12.

Allowable Subject Matter

10. Claims 13-20,23-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

With regard to cl. 13 and 23, the prior arts of record fails to anticipate or make obvious "after detection of a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone system, the microprocessor issues a control signal to the multiplexer to route a reconnected incoming telephone call from a second communication network so as to reestablish communication between a

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caller and the agent, the first and second communication networks utilizing different communication protocol", as recited in cl. 13; and "detecting a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone and therefore issuing a control signal to the multiplexer to route a reconnected telephone call from a second communication network so as to reestablish communication between a caller and the agent, the first and second communication networks utilizing different communication protocol", as recited in cl. 23.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RW

BW

October 30, 2005


CHI PHAM
SUPERVISORY PATENT EXAMINER
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